

Minutes of the Meeting of the Board of Selectmen

DATE: Monday, January 23, 2006

TIME: 7:00 p.m.

PLACE: McCourt Social Hall, Memorial Town Hall, Spencer, MA

PRESENT: Selectmen Adams, Herl, Cloutier, Gaucher (arrived 7:04 p.m.), and Gagnon (arrived 7:05 p.m.); Town Administrator Terenzini; Administrative Assistant Simpson.

At 7:03 p.m. Chairman Adams called the meeting to order. Motion by Mr. Herl to approve the minutes of regular meeting of Monday, January 9, 2006; seconded by Mr. Cloutier. Motion passed, 4-0 (Chairman Adams abstained, as he had been absent).

CITIZENS' INPUT: Bernard Tripp of 24 Mechanic Street asked what could be done in regards to a number of people going the wrong way up the one-way street, suggesting a bigger sign or a sign coming down the hill. Chairman Adams said they would check with the Highway Department and the Police Chief and hopefully have something done in a week.

COMMUNICATIONS: Chairman Adams noted the SelectBoard has been asked by Superintendent of Schools Ralph Hicks to appoint a member of the community to serve on a screening committee for finalists for the position of Lake Street School principal, and anyone in the public who would like to serve should contact the Town Administrator. He further noted that MCOP Local 175 had withdrawn with prejudice an unfair labor practice charge.

OLD BUSINESS: Chairman Adams reported on the Board's finding regarding the concern raised at the last meeting by Mr. Fletcher and Mr. Perron regarding the town's failure to rehire Mr. Fletcher's son last summer. Chairman Adams said the situation involves a personnel matter and is exempt from disclosure, but that he needed to report on allegations regarding the Town Administrator. He said all members of the Board had been supplied with portions of the record subject to disclosure and that they found the decision process was based on merits of facts, the Town Administrator was truthful and timely in his dealings, and the matter was now closed and not subject to public comment.

NEW BUSINESS:

a. Introduction of New Staff and Appointees: No introductions were made.

b. Continued Public Hearing Re: Making Cherry Street One Way (Westbound Maple to Mechanic): Chairman Adams reviewed that the Board held a public hearing on this issue on December 12, 2005, discussed it in workshop on January 18, 2006, had considered two reports from Bayside Engineering and two reports from Chief Darrin, and had published and mailed notice of the public hearings to area residents and property owners.

Elice Chiapulis of 19 Cherry Street asked why the decision was made to make the street one-way from Maple to Mechanic instead of from Mechanic to Maple, saying it might flow better without two one-ways meeting. She said she was in favor of allowing the trial basis, but has reservations about which way. She noted there is much traffic both ways, as well as trash thrown out windows. Ron Papierski, owner of six units at 10 Cherry Street, said his tenants are in favor of the one-way westbound, and hopes it will help with wintertime parking as well. Robert Kowalski of 22½ Cherry Street said speed is one of the biggest problems and suggested long speed bumps both ways. He questioned the effect of the one-way on other intersections, and Chairman Adams said the engineers had reported the impact would not be huge. Mr. Kowalski also mentioned the amount of trash and asked about water drainage. He said he does not care which way the one-way goes, as long as it slows down traffic.

Mr. Terenzini reported on comments received by telephone, including a merchant on Mechanic Street who was opposed to the one-way but did not want to oppose progress, a resident who objected to the convergence of two one-ways, and the owner of 17 Cherry Street (present at the hearing) who thought the one-way was a good idea. Mr. Gagnon said this was a public safety issue and it was incumbent upon the board to make it one-way. Mr. Herl was in favor, noting the sight problem, and that buildings had been hit; Mr. Cloutier was opposed, saying there were many intersections with graver issues and he did not want to start a dangerous precedent. Mr. Terenzini and Bruno Campea agreed that a trial should be for at least sixty days. Motion by Mr. Herl to make Cherry Street one-way westbound from Maple Street to Mechanic Street for a trial period of sixty days while school is in session in spring from May 15 to June 15 or in a similar range as determined by the Police Chief and Utilities & Facilities Superintendent and timed to coincide with SelectBoard calendar; seconded by Mr. Gagnon. It was determined that another public hearing would be held at the July business meeting, and that during this trial period information gathered would include accident data, complaints, police monitoring data, and specific reactions. Chief Darrin said they could use a traffic counter and after forty-five days he could give a report of level of compliance. Motion passed, 4-1 (Mr. Cloutier voted no).

c. Legislative Delegation Year in Review with Senator Brewer and Representatives Gobi and Carron: Senator Brewer, Representative Gobi, and Representative Carron shared their views on items of interest and concern. They spoke of the FY '07 budget to be released by Governor Romney this Wednesday, universal health care plan, economic stimulus, and regionalization as a solution to costly mandates, and noted there has been no movement on the telecommunications loophole, and an energy costs group called Mass Area is forming that Spencer may wish to have a voice in.

The SelectBoard asked questions about electronic takeback legislation, Chapter 70, loss of population in Massachusetts and tie to affordable housing, Community Preservation Act, 40R, and delegation votes on seat belt law, and thanked Rep. Gobi for her e-mail updates. It was noted health care was the biggest concern upon which other matters hinged.

d. Presentation Re: Bay Path (Diane Skov and Robert Zukowski): Mr. Terenzini noted Ms. Diane Skov had called to say she would not be able to attend the meeting. Mr. Robert Zukowski reported that since joining the committee in September they had chosen a new superintendent and ratified his three-year contract through June 2009, as well as ratified a contract with the teachers retroactive to September 2005. He noted the Technical and Career Institutions had given them a letter of accreditation through 2010, and that committees were being formed to address issues of building needs, increased enrollment, and asbestos. He encouraged the Board to invite Mr. David Papagni, the new superintendent, to meet with them.

e. Presentation Re: Temporary Closure of Maple Street (McDonald to Prospect): Mr. Terenzini gave an update on the closing of Maple Street from McDonald to Prospect streets, caused by a fear of portions of the deteriorating south tower façade of St. Mary's Church falling into the street. He noted additional signage will be put up over the next couple of days, and that plans to stabilize the tower were delayed because of the snow. They are hoping to reopen the street over the next two weeks; if the church decides to demolish the building, a portion of the street will likely need to be closed again. The Board noted the importance of the building architecturally and historically and said they were available to help if needed and wanted. Motion by Mr. Herl to ratify the actions taken regarding the detours and to allow the Town Administrator to continue to use discretion in this matter as needed; seconded by Mr. Cloutier. Motion passed, 5-0.

f. Quarterly Report: Police Department: Police Chief Darrin gave his quarterly report and answered questions regarding how to best handle drivers going the wrong way on Mechanic Street, noting a traffic counter that would allow traffic to be counted in both directions would not work well in winter but would

work with the Cherry Street one-way trial. He also answered that to his knowledge there had not been an increase of incidences of random drop-offs of furniture in people's yards.

g. Action Re: Keno License Notification from State Lottery Commission Re: Black & White:

Richard Dumphy of the Black & White was present. Chairman Adams noted that the Board would have to alert the Lottery Commission if they were opposed to the Keno license. The Board was not opposed to the license and thus took no action.

h. Action Re: One-Day Alcohol License for Mary, Queen of the Rosary Valentine's Day Dance:

This request was cancelled, as the dance was cancelled. The Board took no action.

i. Action Re: One-Day Alcohol License & Common Victualler for Spencer Rescue Squad, Inc. &

Finding of Public Purpose (By-law Article 8, Section 13): It was noted this request was for an event to be held in the Great Hall on April 8. Mr. Cloutier stepped down from the table, as he is on the Board of Directors for the Rescue Squad. Motion by Mr. Herl to approve the one-day alcohol license and common victualler license, to waive fees, and to find a public purpose under By-law Article 8, Section 13; seconded by Mr. Gagnon. Motion passed, 4-0 (Mr. Cloutier abstained).

BOARD LIAISON REPORTS: Mr. Herl reported the School Building Needs Committee would meet this Wednesday, and that he had attended the School Building Authority presentation at the MMA. Chairman Adams reported the Capital Improvement Planning Committee had completed its work and submitted a report to Mr. Terenzini.

CITIZENS' INPUT: None.

BOARD MEMBER AND STAFF COMMENTS: None.

At 8:31 p.m., motion by Mr. Herl that the board convene in executive session to consider litigation and real estate negotiations and that the board reconvene in public session solely for purposes of adjournment; seconded by Mr. Gagnon. Roll call vote: Gaucher—yes, Gagnon—yes, Cloutier—yes, Adams—yes, Herl—yes.

The executive session concluded at 9:00 p.m. Motion by Mr. Herl to adjourn; seconded by Mr. Gagnon. Motion passed, 5-0.

Respectfully submitted,

Kate Simpson, Administrative Assistant

_____ Chairman

_____ Vice Chairman

_____ Clerk

_____ Member

_____ Member

Board of Selectmen